

## **REMARKS**

Claims 1-36 were previously pending, of which claim 17 has been canceled; therefore, claims 1-16 and 18-36 are currently pending in this application. Reconsideration and allowance of all pending claims in this application in light of the above amendments and the following remarks are respectfully requested.

### **Rejections under 35 U.S.C. § 102**

Claims 5-16, 18, 19, 23, and 35 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,477,150 to Maggenti (hereinafter “Maggenti”). Applicants respectfully traverse the Examiner’s position for the following reasons.

The PTO provides in MPEP § 2131 that

*“[t]o anticipate a claim, the reference must teach every element of the claim....”*

### **Independent Claim 5**

With respect to independent claim 5, to sustain this rejection, the Maggenti patent must contain all of the elements recited in the claim. However, Maggenti fails to disclose registering a contact for a user “for media transmissions to other users in the group” wherein the contact for the user “is the PTT Server, the PTT Server functioning as an SIP call endpoint for the user” as recited in claim 5.

With regard to claim 5, the Examiner has cited the following passage of Maggenti (column 10, lines 46-55) as allegedly disclosing this element:

*In order to participate in a specific net, CD 202 initially requests that CM 218 add CD 202 to a list of connected net participants for the desired net. The term "connected" means those users who have registered with CM 218 and are at least receiving communications occurring in a net. Hence, CD 202 will initially know or be able to learn the net-address of any nets in which it wishes to participate. Further, CD 202 will initially know or be able to be configured with the address of a top-level server to which SIP requests may be sent.*

Applicants respectfully disagree. In particular, the cited portion of Maggenti fails to teach or suggest “registering a contact for the user for media transmissions to other users in the group” where the contact “is the PTT Server, the PTT server functioning as an SIP call endpoint for the user” as required by claim 5. On the contrary, the CM 218 merely functions as a switch (see, e.g., Maggenti, column 2, lines 30-33).

For at least the foregoing reasons, it is apparent that claim 5 is allowable over Maggenti. Claims 6-14 depend from and further limit independent claim 5 and are therefore allowable for at least the reasons set forth above with respect to claim 5. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 5-14 as anticipated by Maggenti.

Independent Claims 15 and 35

With respect to independent claim 15, to sustain this rejection, the Maggenti patent must contain all of the elements recited in the claim. However, Maggenti fails to disclose “multicasting the half-duplex speech communication from the PTT Server to other members of a group, wherein the multicasting includes use of network address and port translation by the PTT server, whereby the PTT server replaces a destination IP address of a port number of received speech packets with an IP address of a port number of each target user and unicasts modified packets to each target user” as recited in claim 15, as amended.

The Examiner has acknowledged that the cited limitation is “not recited identically as claimed by applicant,” but indicates that “network address and port translation” are inherent in the following passage of Maggenti (column 6, line 62, through column 7, line 7):

*If no other member currently holds the transmission privilege when the transmission privilege request is received by CM 218, CM 218 transmits a message to the requesting net member, notifying it that the transmission privilege has been granted. Audio, visual, or other information from the first net member may then be transmitted to the other net members by sending the information to CM 218, using one of the just-described transmission paths. In one embodiment, CM 218 then provides the information to the net members by duplicating the information and sending each duplicate to the net members. If a single broadcast channel is used, the information need only be duplicated once for each broadcast channel in use.*

Applicants respectfully traverse the Examiner’s position in this regard and submit that the recited limitation is clearly not taught by the cited passage. Specifically, for at least the reasons set forth above with reference to claim 1, the CM 218 does not function as the SIP call endpoint for the user; therefore, there is no need for Maggenti to provide network address and port translation in the manner recited in the subject limitation. As the CM 218 merely functions as a switch (*see, e.g.*, Maggenti, column 2, lines 30-33), rather than an SIP call endpoint, for a user, it is anticipated that the recited translation would not be necessary.

In view of the foregoing, it is apparent that claim 15 is allowable over Maggenti. Independent claim 35 includes limitations similar to those of claim 15 and is therefore also allowable over Maggenti. Claims 16, 19 and 23 depend from and further limit independent claim 15 and are therefore also allowable over Maggenti for at least those reasons set forth above with respect to the allowance of claim 15. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 15, 16, 18, 19, 23, and 35 as anticipated by Maggenti.

**Rejections Under 35 U.S.C. §103**

Claims 1-4, 20-22, 24-34, and 36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Maggenti. Claims 20-22, 24, and 25 depend from and further limit independent claim 15 and are therefore allowable for at least the reasons set forth above with respect to claim 15. Applicant respectfully traverses the subject rejection of the remaining claims on the grounds that the references are defective in establishing a prima facie case of obviousness with respect to the claims.

As the PTO recognizes in MPEP § 2142:

*The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness.*

It is submitted that, in the present case, the Examiner has not factually supported a prima facie case of obviousness for the following reasons.

**Independent Claim 1**

With regard to independent claim 1, Maggenti clearly fails to teach, suggest, or render obvious at least the following limitation:

*a PTT Server operable to function as a call endpoint for each of a plurality of mobile devices wherein the plurality of mobile devices are segmented into membership groups, the PTT Server further operable to multicast a communication from one member of the group to the other members of the group;*

With regard to the claim 1 limitation of "a PTT Server operable to function as a call endpoint for each of a plurality of mobile devices wherein the plurality of mobile devices are segmented into membership groups, the PTT Server further operable to multicast a communication from one member of the group to the other members of the group," the Examiner cites Column 4, line 49-Column 5, Line 46

and Column 22, Lines 45-58 of Maggenti as allegedly disclosing such a PTT server. Applicants respectfully disagree.

For example, the Examiner has alleged that a PTT server is disclosed by the SIP proxy server (i.e., the CIM) 218 discussed by Maggenti. However, none of the cited portions of Maggenti (i.e., column 4, line 49, through column 5, line 46; column 22, lines 45-58; and Figs. 2 and 8) teach, suggest, or render obvious the CM operating as a "a call endpoint" for each of a plurality of mobile devices, as described in the subject application and explicitly recited in claim 1. On the contrary, as described above with reference to claim 5, the CIM 218 is a configurable switch. For at least this reason, Maggenti fails to describe or suggest each limitation of claim 1, and withdrawal of the rejection of claim 1 is thus requested. Claims 2-4 depend from and further limit independent claim 1 and are therefore also allowable over Maggenti for at least the reasons set forth above with respect to claim 1.

#### Independent claims 26 and 36

With regard to independent claim 26, Maggenti clearly fails to teach, suggest, or render obvious at least "redirecting the SIP SUBSCRIBE to a PTT Server for purposes of removing the calling party and the called party from a multicast group," as recited in claim 26. The Examiner concedes that Maggenti fails to teach or suggest "redirecting the SIP SUBSCRIBE to a PTT Server for purposes of removing the calling party and the called party from a multicast group." The cited portion of Maggenti (column 20, lines 26-30) discloses that the CD 202 "may also support the concept of a 'private call"'; however, the cited text contains no teaching or suggestion of how such a call may be implemented. Applicants assert that the Examiner has taken an impermissible leap to assume that, because Maggenti teaches operating over SIP protocol, that "it would have been obvious" to implement a "private call" in the manner recited in independent claim 26, as set forth above.

Thus, for this mutually exclusive reason, the Examiner's burden of factually supporting a *prima facie* case of obviousness with respect to independent claim 26 has clearly not been met, and the rejection under 35 U.S.C. §103 should be withdrawn. Independent claim 36 includes limitations similar to those of independent claim 26; therefore, for at least the reasons set forth above with reference to claim 26, the rejection thereof should be withdrawn. Claims 24-34 depend from and further limit independent claim 26 and are therefore also deemed to be in condition for allowance for at least the same reasons as claim 26.

**Conclusion**

It is clear from all of the foregoing that independent claims 1, 5, 15, 26, 35, and 36 are in condition for allowance. Dependent claims 2-4, 6-14, 16, 18-25, and 27-34 depend from and further limit independent claims 1, 5, 15, and 26, and are therefore allowable as well.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

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